

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on April 6, 2009 at 10:00
A.M., in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. Greg Hinkle (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: None

Members Absent: Sen. John Esp (R)

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:

Executive Action: HB 634-Be Concurred In As Amended
HB 130-Be Concurred In
HB 131-Be Concurred In
HB 132-Be Concurred In

(Sen. Larsen and Sen. Esp absent)

00:0:07 Break

00:14:25 Chairman Perry

EXECUTIVE ACTION ON HB 634

00:15:26 **Motion:** Sen. McGee moved that **HB 634 BE CONCURRED IN.**

00:15:32 **Motion:** Sen. Shockley moved that **HB 634 BE AMENDED.**
EXHIBIT(jus75a01)

Discussion:

00:16:02 Ms. Lane

00:16:39 **Vote:** Motion that **HB 634 BE AMENDED** carried 11-1 by roll call vote with Sen. Esp voting no. Sen. Esp and Sen. Larsen voted by proxy.

00:17:28 **Motion:** Sen. McGee moved that **HB 634 BE CONCURRED IN AS AMENDED.**

00:17:45 **Motion:** Sen. Shockley moved that **HB 634 BE AMENDED.**
EXHIBIT(jus75a02)

Discussion:

00:18:59 Sen. McGee

00:20:00 **Vote:** Motion that **HB 634 BE AMENDED** failed 3-9 by roll vote with Sen. Juneau, Sen. Shockley, and Sen. Perry voting aye. Sen. Esp and Sen. Larsen voted by proxy. (A voice vote was originally attempted; however, Sen. McGee requested a roll call vote.)

Discussion:

00:22:09 Sen. McGee

00:23:06 Sen. Perry

00:25:42 **Motion:** Sen. McGee moved that **HB 634 BE AMENDED WITH A CONCEPTUAL AMENDMENT TO STRIKE SECTION 6.**

Discussion:

00:27:36 Sen. Hinkle

00:28:56 Sen. Jent

00:29:29 Valencia Lane, Legislative Services Division

00:30:10 Sen. McGee **WITHDREW CONCEPTUAL AMENDMENT MOTION FOR HB 634 TO STRIKE SECTION 6.**

00:30:18 **Motion:** Sen. McGee moved that **HB 634 BE AMENDED WITH A CONCEPTUAL AMENDMENT TO INSERT \$100,000 FOR AN APPROPRIATION IN SECTION 6.**

Discussion:

00:31:18 Sen. Juneau

00:32:39 Sen. Perry

00:32:43 Sen. McGee

00:33:30 Sen. Juneau

00:33:53 Sen. McGee

00:35:42 Sen. Juneau

00:36:26 Sen. McGee

00:37:06 Sen. Shockley

00:37:13 break

01:02:52 **Motion:** Sen. McGee **WITHDREW CONCEPTUAL AMENDMENT FOR HB 634 TO INSERT \$100,000 IN SECTION 6.**

01:03:18 Sen. Laslovich

01:03:53 Lois Steinbeck, Legislative Fiscal Division

01:05:26 Sen. McGee

01:05:51 Ms. Steinbeck

01:06:36 Sen. McGee

01:07:16 Sen. Laslovich

(Sen. Larsen entered room)

01:08:47 **Vote:** Motion that **HB 634 BE CONCURRED IN AS AMENDED** carried 11-1 by roll call vote with Sen. Esp voting no. Sen. Esp voted by proxy. Sen. Shockley will carry HB 634 on the Senate floor.

01:10:30 Chairman Perry

EXECUTIVE ACTION ON HB 130

01:11:02 **Motion:** Sen. Shockley moved **HB 130 BE CONCURRED IN.**

Discussion:

01:11:22 Sen. McGee

01:14:38 Sen. Jent

01:17:01 Sen. Curtiss

01:17:58 Sen. Larsen

01:19:36 Sen. Laslovich

01:22:49 **Vote:** Motion that **HB 130 BE CONCURRED IN** carried 9-3 by roll call vote with Sen. Esp, Sen. Perry, and Sen. Shockley voting no. Sen. Esp voted by proxy. Sen. Laslovich will carry HB 130 on the Senate floor.

EXECUTIVE ACTION ON HB 131

(Sen. Juneau absent from room)

01:23:58 **Motion:** Sen. Shockley moved that **HB 131 BE CONCURRED IN.**

Discussion:

01:25:02 Sen. McGee

01:27:40 **Vote:** Motion that **HB 131 BE CONCURRED IN** carried 11-1 by roll call vote with Sen. Esp voting no. Sen. Juneau and Sen. Esp voted by proxy. Sen. Shockley will carry HB 131 on the Senate floor.

01:27:55 Sen. McGee

EXHIBIT(jus75a03)

01:29:55 Sen. Perry

(Sen. Moss absent from room)

EXECUTIVE ACTION ON HB 132

01:31:04 **Motion:** Sen. McGee moved that **SB 132 BE CONCURRED IN.**

Discussion:

01:33:00 Sen. Larsen
 01:33:30 Sen. Jent
 01:35:58 Sen. Shockley
 01:36:53 Ms. Lane
 01:37:32 Sen. Shockley
 01:37:50 Ms. Lane

01:38:13 Sen. Shockley moved that **HB 132 BE AMENDED WITH A CONCEPTUAL AMENDMENT TO ADD A "SUNSET" TO HB 132.**

Discussion:

01:38:28 Sen. McGee
 01:39:40 Sen. Hinkle

01:39:51 **Vote:** Motion that **SB 132 BE AMENDED** failed 2-10 by roll call vote with Sen. Perry and Sen. Shockley voting aye. Sen. Esp, Sen. Juneau, and Sen. Moss voted by proxy.

01:41:25 **Vote:** Motion that **HB 132 BE CONCURRED IN** carried 9-3 by roll call vote with Sen. Esp, Sen. Perry, and Sen. Shockley voting no. Sen. Esp, Sen. Juneau, and Sen. Moss voted by proxy. Sen. Jent will carry HB 132 on the Senate floor.

01:41:36 Sen. McGee

EXECUTIVE ACTION ON HB 295

01:42:06 **Motion:** Sen. Laslovich moved for HB 295 **TO RECONSIDER THE MOTION AND REMOVE FROM THE TABLE.** (Present and voting only)

Discussion:

01:43:32 Sen. McGee
 01:45:01 Sen. Shockley

01:47:10 Sen. Laslovich **WITHDREW MOTION TO RECONSIDER THE ACTION ON HB 295.**

Committee Business:

01:47:49 Sen. Perry

01:48:08 **Motion:** Sen. Shockley REQUESTED AND MOVED THAT THE
PUBLIC DEFENDER APPEAR FOR QUESTIONS BEFORE THE
COMMITTEE.

Discussion:

01:49:27 Sen. McGee

01:50:41 Sen. Jent

01:50:49 Sen. Shockley

01:50:59 Sen. McGee

01:51:49 **Vote:** Motion that the PUBLIC DEFENDER APPEAR BEFORE THE
COMMITTEE FOR QUESTIONS carried 8-1 by roll call vote
with Sen. Murphy voting no. This was a Present and
Voting roll call vote.

01:53:20 Sen. Shockley

01:53:41 Sen. Perry

ADJOURNMENT

Adjournment: 11:55 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT ([jus75aad.pdf](#))